

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JOHN C. SKINNER, Register No. 1069523,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4019-CV-C-NKL
)	
DEBRA REED, et al.,)	
)	
Defendants.)	

ORDER

On June 29, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of June 29, 2007, is adopted. [27] It is further

ORDERED that defendants' motions of May 3 and May 11, 2007, to dismiss for plaintiff's failure to exhaust his administrative remedies prior to filing this lawsuit is granted and plaintiff's claims are dismissed. [16, 20] It is further

ORDERED that defendants' motion of May 11, 2007, to dismiss plaintiff's damage claims against defendants in their official capacities is granted.

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: July 26, 2007
Jefferson City, Missouri